

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JEANIE SEIDE, Individually, and as Parent and Natural Guardian of JAZMENE HOSKINS, ZARIYA MASSENAT and EXZAVIER SEIDE, Minors)	
)	
)	
)	Civil Action File No.
)	
Plaintiffs,)	
)	<u>JURY TRIAL DEMANDED</u>
)	
v.)	
)	
SOUTHERN CLASSIC, LLC, GREGORY BURNHAM, and NATIONAL CASUALTY COMPANY)	
)	
)	
Defendants.)	
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NOTICE OF REMOVAL

COME NOW, Defendants Southern Classic, LLC, and National Casualty Company and file this Notice of Removal as follows:

1.

Plaintiffs filed a civil action against Defendants in the State Court of Dekalb County, Georgia, Civil Action No. 21A01732. Copies of the Summons, Complaint, and Returns of Service are attached hereto collectively as Exhibit "A." A copy of Defendants' Answer is attached hereto as Exhibit "B," constituting all pleadings, motions, orders and other papers served upon Defendants.

2.

At the time of the filing of the Complaint, Plaintiffs were residents of Georgia.

3.

At the time of the filing of the Complaint, Defendant Gregory Burnham was a resident of Alabama.

4.

At the time of the filing of the Complaint, Southern Classic, LCC, was an Alabama limited liability company with its registered office in Trafford, Alabama. The members of Southern Classic, LLC, are Bryan Hicks and Dustin Hicks, both residents of Trafford, Alabama. Attached as Exhibit “C” is Southern Classic’s Articles of Organization.

5.

Plaintiffs allege that Defendants are liable for damages related to the Plaintiffs’ alleged personal injuries. Specifically, they have asserted claims for past and future physical and mental pain and suffering, lost wages, medical expenses, attorney fees, and for punitive damages. (See Complaint, p. 11).

Based on information provided to National Casualty Company, Plaintiff Jeanie Seide claims medical expenses in the amount of \$26,997.85. Ms. Seide alleges to have sustained disc herniations at L5-S1, C6-C7, and C5-C6. She further alleges injuries to her left knee, left ankle and left shoulder. She has been diagnosed

with rotator cuff junctional zone insertion mild tendonitis and subacromial bursitis. left shoulder. She reported that physical therapy failed for her left knee, with the notation that if physical therapy did not resolve her symptoms arthroscopic surgery should be considered. She was given a cortisone injection for her left knee. She further contends to have become homeless for some period of time as a result of the injuries sustained in this accident. She has declined to consent to a stipulation that she seeks less than \$75,000 in this action. For the foregoing reasons, while Defendants dispute her claim, the amount in controversy exceeds \$75,000. (See Affidavit of Jennifer C. Adair, Exhibit “D”).

6.

The foregoing action is properly removable to this Court, pursuant to 28 U.S.C. §§ 1441(a), 1446(a) and 1446(b) and 1332(a), because there is a complete diversity of citizenship between Plaintiffs and Defendants, and the matter in controversy as to Jeanie Seide, exclusive of interest and costs of this action, exceeds the sum of \$75,000.00. The Court has supplemental jurisdiction over the smaller claims of the remaining plaintiffs under 28 USCS § 1367.

7.

Defendants Southern Classic, LLC, and National Casualty Company hereby give notice within thirty days after service and receipt by Defendant of a copy of the Complaint filed in the State Court of DeKalb County, State of Georgia,

pursuant to 28 U.S.C. § 1446 and Rule 11 of the Federal Rules of Civil Procedure, of the removal of said action to this Court.

8.

Defendants Southern Classic, LLC, and National Casualty Company consent to this removal by way of shared counsel. Gregory Burnham has not been served as of the date of this filing, but consents to this removal by way of shared counsel

9.

Defendants Southern Classic, LLC, and National Casualty Company have sent a Notice of Removal to the State Court of DeKalb County, State of Georgia.

This 12th day of May, 2021.

FREEMAN MATHIS & GARY, LLP

/s/ Jennifer C. Adair

JENNIFER C. ADAIR

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Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I mailed a copy of the foregoing pleading via United States first class mail, and I electronically filed the with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing, to the following attorneys of record:

J. Martin Futrell
WITHERITE LAW GROUP, LLC
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Atlanta, GA 30308
Martin.futrell@witheritelaw.com

This 12th day of May, 2021.

FREEMAN MATHIS & GARY, LLP

/s/ Jennifer C. Adair
Jennifer C. Adair
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